



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



VICKI L. HENNESSY
SHERIFF

Via email: 72808-30074458@requests.muckrock.com

June 12, 2019
Reference: A/S 2019-035

To Whom It May Concern:

I write in response to your Public Records Request regarding various ICE related documents. This is the first in a series of responses you will receive.

- 1) Specific to your request regarding items number 4 and 5, my responses are enumerated as follows:
 - A. SFSD Policy and Procedure 02-39 Immigration dated 12-07-2017 with a cover memorandum from Sheriff Hennessy regarding the implementation of this policy, dated 12-08-2017.
 - B. Training Bulletin issued on 12-08-2017 number TB-17-014.
 - C. Memorandum dated 03-011-2016 from Sheriff Hennessy regarding ICE warrants inclusive of sample warrants, which do not contain protected information.
 - D. A memorandum from Chief Deputy P. Miyamoto dated 03-14-2018 titled, Division Updates. The redactions were made as that information is not responsive to this request.
 - E. A post order titled Processing ICE Requests dated 11/28/2017.
 - F. A document titled, ICE Notice of Action Process SFSD.
 - G. A Power Point training presentation for the Classification Unit. Redacted information is due to Criminal Justice Information Systems (CJIS) and Criminal Offender Record Information (CORI) derived data.


H. A Power Point training presentation for our Central Records and Warrants Unit also with CJIS and CORI derived data redacted.

2. For item number 6, I am not aware of written documents regarding presentations to the SF Board of Supervisors.

The Sanctuary City Ordinance legislation may be obtained through the San Francisco Board of Supervisors or visit their website at <https://sfbos.org>.

I anticipate another set of responsive documents to be sent during the week of June 24, 2019.

Respectfully,



Katherine Johnson, #3
Assistant Sheriff

attachments



San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

December 8, 2017
Reference: 2017-137

To: All Personnel
From: Sheriff V. Hennessy *Vicki L. Hennessy*
Re: Policy & Procedure 02-39 Immigration

Attached to this memo you will find policy and procedure, **02-39 Immigration**, as well as a training bulletin which covers 8 U.S.C. section 1373 and San Francisco Administrative Code section 12I.

The Sheriff's Department practices conform to local ordinances which govern how we process requests from Immigration and Customs Enforcement (ICE); this policy and procedure formalizes our current protocols. This policy consolidates and supersedes ALL prior memoranda issued regarding the Sheriff's Departments immigration policies.

The purpose of this policy is to guide Sheriff's employees in their duties and responsibilities associated with the enforcement of immigration law, including ICE requests for release notification and or detention for purposes of civil immigration enforcement, in conformity with federal, state and local law. As an integral component of the City and County of San Francisco's criminal justice system, we are required to ensure due process to all we serve.

There are three key areas of the policy and procedure that I bring to your attention:

1. Compliance with Title 8 United States Code Section 1373

- This United States Code prohibits restrictions on the exchange of information regarding citizenship and immigration status among Federal, State and Local government. This policy reaffirms our continuing compliance with this federal statute.

2. Compliance with San Francisco Administrative Code 12I.3 (d.)

- The San Francisco Administrative Code defines the circumstances under which the Sheriff *may* honor an ICE notification request. This policy affirms our continuing compliance with Administrative Codes 12H and 12I.

3. Compliance with California Government Code Section 7283.1 – California Truth Act

- This Government Code section requires that we notify each undocumented inmate in our custody whenever we receive an administrative communication from ICE (not a warrant signed by a magistrate) requesting voluntary detention and/or notification of release of that inmate. It also requires us to provide each person with a copy of any documents we have received from ICE. Prisoner Legal Services will be responsible for delivering the required documents, which will also include SFSD Form 17-01 – "Information Regarding ICE Request for Notification of Release" and SFSD Form 17-02 – "Designation of Persons to Receive ICE Request Notification," to each person in our custody. Copies of these forms are attached to the Policy and Procedure.

PLS staff will contact inmates in our jails in order to comply with the TRUTH Act. Please assist them with this effort.

For the most part, the policy concerns the work of our Central Records Unit, Classification Unit, and Prisoner Legal Services; however, all personnel are expected to read and understand this policy. Any questions that require clarification should be addressed through your chain of command.

In the event inmates have any questions, they should be directed to PLS.

Thank you for your attention to this matter.

SAN FRANCISCO SHERIFF'S DEPARTMENT	Date Issued: 12/07/2017	Policy #: SFSD 02-39
<div data-bbox="394 235 662 485" data-label="Image"> </div> <p>POLICY AND PROCEDURE</p>	Last Revised:	
	Related Policies SFSD 01-09 - CORI SFSD 01-17 - CLETS Compliance FODM 07-01 - Central Warrant Bureau Responsibilities	
	Approved By: <i>Vicki L. Hennessy</i> Vicki L. Hennessy, Sheriff	
Chapter: 02 Legal Enforcement and Operations	Title: Immigration	

POLICY: The San Francisco Sheriff's Department (SFSD) shall serve all members of the public equally without consideration of immigration status. A person's immigration status shall have no bearing on the manner in which employees execute their duties. The SFSD does not comply with Department of Homeland Security / Immigration and Customs Enforcement Agency (DHS / ICE) requests to detain individuals after they are eligible to be released from SFSD custody.

The Sheriff alone may exercise discretion to respond to DHS / ICE requests for notification of release from SFSD custody, if the subject of that request meets the specific criteria set forth in San Francisco Administrative Code 12I.3(d.)

The SFSD does comply with criminal arrest warrants signed by a judge. This policy does not prohibit or restrict employees "from sending to, or receiving from, DHS / ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual." (8 U.S.C. 1373.)

Under no circumstances shall employees arrest or detain an individual based solely on their known or suspected immigration status.

PURPOSE: To provide guidelines about SFSD employees duties, and responsibilities associated with the enforcement of immigration law, including DHS / ICE Requests for Release Notification and / or detention, in conformity with federal, state and local law.

I. General:

A. This policy supersedes and replaces all previous SFSD policies and directives concerning immigration.

B. Background

1. Immigration Enforcement Jurisdiction

a. DHS / ICE has primary responsibility to investigate and enforce federal immigration laws. DHS / ICE is responsible for the identification, apprehension, and removal of undocumented persons, where appropriate under federal immigration law.

i. Removal is a civil, not a criminal matter.

b. Federal law does not compel state and local LEA' (LEA) participation

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in federal civil immigration functions. SFSD employees may not assist DHS / ICE in the enforcement of federal civil immigration laws, except as noted in this policy.

- i.* All employees must forward DHS / ICE requests for SFSD enforcement assistance in the investigation of non-immigration related criminal violations to the Sheriff, through the chain of command, for approval.
- ii.* SFSD employees may assist DHS / ICE by providing emergency assistance when employees determine that an emergency poses an imminent danger to public safety, including to the safety of DHS / ICE agents.
- iii.* If safety permits, employees must seek supervisor approval before providing emergency assistance. On-scene supervisors shall evaluate each request for emergency assistance to ensure the SFSD's participation remains consistent with this policy while protecting human life and property.

2. Federal Criminal Enforcement:

- a.* State and local law permits SFSD cooperation with federal criminal investigations. The Sheriff, through the chain of command, shall direct all SFSD cooperation with federal criminal investigations.

3. DHS / ICE Voluntary Detainer / Notification Requests:

- a.* A DHS / ICE detainer / notification request is typically a written request to a LEA, asking the LEA to:
 - i.* hold an individual beyond the time when the individual is otherwise eligible for release from local custody, so that DHS / ICE may take custody of that individual and / or;
 - ii.* notify DHS / ICE in advance of the individual's scheduled release. DHS / ICE detainer / notification requests are only requests, and compliance is completely voluntary. The form of these requests may vary. Currently, DHS / ICE requests detention and release notification by submitting to LEAs a Form I-247A (Immigration Detainer – Notice of Action). According to DHS / ICE, Form I-247A replaces the following forms:
 - Form I-247D (Immigration Detainer- Request for Voluntary Action)
 - Form I-247N (Request for Voluntary Notification of Release of Suspected Priority Alien)
 - Form I-247X (Request for Voluntary Transfer.)
 - Form I-247 A requests that the receiving local LEA:
 - iii.* Notify DHS / ICE as early as practicable, at least 48 hours, if

- possible, before a removable alien is released from local custody; and
- iv. Maintain custody of the alien for a period not to exceed 48 hours beyond the time he / she would otherwise have been released to allow DHS / ICE to assume custody for removal purposes.
- b. Additionally, DHS / ICE requests for detention and release notification may include the following attachments:
 - i. Form I-200, "Warrant for Arrest of Alien" or
 - ii. Form I-205, "Warrant for Removal/Deportation."
 - iii. Both Form I-200 and Form I-205 are administrative civil warrants signed by Immigration officials and not by a judge. These documents are not criminal warrants.

II. Procedures:

A. Order

1. When SFSD personnel encounter perceived immigration law violations, members shall be guided by the options set forth in this policy, in compliance with federal, state and local law.
2. Immigration Violation Complaints:
 - a. If members of the public contact SFSD employees to report suspected immigration violations, employees shall inform such persons that DHS / ICE – not SFSD – enforces the civil immigration laws.
3. Immigration Status:
 - a. SFSD employees shall not initiate contact with, investigate, detain, or arrest any person based solely upon their known or suspected immigration status.
 - i. However, employees may investigate the immigration status of victims, witnesses or suspects if employees reasonably believe that immigration status may be a material fact of an alleged criminal violation, including for example, trafficking, smuggling, harboring and terrorism.
 - b. SFSD personnel shall not conduct sweeps, or assist DHS / ICE sweeps, intended solely to locate and detain undocumented immigrants.
 - c. Employees may assist DHS / ICE by providing emergency assistance when employees determine that an emergency poses an imminent danger to public safety, including to the safety of DHS / ICE agents.
 - i. If safety permits, employees must seek supervisor approval before providing emergency assistance.
 - ii. On-scene supervisors shall evaluate each request for emergency assistance ensure the SFSD's participation remains consistent

with this policy while protecting human life and property.

B. Establishing Identity

1. SFSD personnel shall attempt to identify any person they detain, arrest or who come into the custody of the SFSD.
2. Any person eligible for citation and release, who is unable to present satisfactory evidence of his or her identity, shall be detained for the purpose of establishing his or her identity.

C. Central Warrant Bureau Procedure:

1. SFSD personnel who are tasked with confirming warrants shall continue to process DHS / ICE warrants for booking that are confirmed as criminal warrants per memo (Reference: 2016-037, dated March 11, 2016, see attached.) If there is such a booking, Central Warrant Bureau employees shall notify Sheriff's Legal Counsel immediately.
2. SFSD employees shall process all confirmed criminal arrest warrants received from any law enforcement agency, including DHS / ICE, consistent with SFSD Field Operations Division Policy 17-01, Central Warrant Bureau Responsibilities.
 - a. As noted above, DHS / ICE requests for detention and notification are not criminal arrest warrants.

D. DHS / ICE Immigration Detainers and Requests for Notification / Process

1. Fingerprints:

- a. Once a person is arrested, SFSD scans his / her fingerprints during the booking intake process. The inmate's fingerprints are automatically sent to California Department of Justice (Cal DOJ). According to Cal DOJ, the fingerprints are shared with the Federal Bureau Investigations (FBI), the FBI shares them with DHS / ICE to check for prior contacts, and following a contact, DHS / ICE may then send a Form I-247A – a combination detainer and notification request - to the SFSD requesting action.

2. Detainer Requests:

- a. A DHS / ICE detainer (currently Form I-247A) requests that SFSD detain the subject for up to 48 hours after they are eligible to be released from local custody.
- b. The SFSD does not honor these detainer requests.

3. Notification Requests:

- a. A DHS / ICE release notification request (currently Form I-247A) asks that SFSD notify DHS / ICE at least 48 hours before the inmate is released from custody. All DHS / ICE notification requests for intended release dates of suspected undocumented immigrant inmates in our custody are voluntary in nature. San Francisco Administrative Code 12I.3(d) defines the circumstances under which the Sheriff may honor

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DHS / ICE notification requests. If those conditions are met, the Sheriff may exercise discretion to notify pursuant to that request.

- b. SFSD has established the following process to individually review each request and track the appropriate action in each case.
 - i. The Central Records Unit shall review all Voluntary Requests (DHS Form 1-247 D, 1-247X, 1-247 N) and the consolidated form 247A) to determine if responding to the request complies with local and state law.
 - ii. If an inmate, who is the subject of a voluntary notification request, is held to answer on an open felony case, the Central Records Unit will then review the individual's criminal history to determine if the individual meets the Administrative Code section 12I.3(d) criteria.
 - iii. If the Central Records Unit determines that the individual meets the Administrative Code section 12I.3(d) criteria, Central Records employees shall forward the voluntary request to the Sheriff for final consideration.

E. Truth Act Compliance

1. In conformance with Government Code Section 7283.1, upon receiving a DHS / ICE detention, notification or transfer request, Prisoner Legal Services Employees shall:
 - a. Provide a copy of the request to the inmate in our custody.
 - b. Provide a copy of the attached SFSD Form 17-1, "Information Regarding DHS / ICE Request for Notification of Release", which informs the subject whether the Department intends to comply with the DHS / ICE voluntary request, to the inmate.
 - c. Request that the inmate complete SFSD Form 17-2 "Designation of Persons to Receive DHS / ICE Request Information" so SFSD will know who to notify in the event the Sheriff exercise discretion under 12I to notify DHS / ICE of the inmate's release date or release.
2. The decision whether to honor the voluntary request will be made pursuant to this policy and in compliance with San Francisco Administrative Code 12I.3(d).
3. If SFSD notifies DHS / ICE that an individual is being, or will be, released on a certain date and time, the SFSD employees providing that information to DHS / ICE shall promptly provide the same notification, using Form 17-3 "Decision to Notify ICE", to the inmate and to the inmate's attorney or designee, using the contact information provided by the inmate on Form 17-2.

F. Communications with LEA, Including Agencies Conducting Civil Immigration Enforcement.

1. SFSD employees are authorized to provide to any LEA, including DHS / ICE, upon request, the following information,

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- a. Date and location of Arrest
 - b. Current charges
 - c. Next court date
 - d. Bail amount
2. SFSD employees are NOT authorized to provide the following access or information to any agency representatives or individuals conducting civil immigration enforcement (including DHS / ICE):
 - a. Access to inmates in jail
 - b. Access to SFSD computers and/or databases
 - c. SFSD Logs
 - d. Booking and arrest documents
 - e. Release dates and times
 - f. Home or work contact information
 3. Responses to I-247A or other DHS / ICE release notification requests unless expressly authorized by the Sheriff.
 4. Employees shall refer all DHS / ICE requests for assistance with criminal investigations to the Central Records Unit. The Central Records Unit shall forward those requests to the Sheriff who shall direct any assistance, through the chain of command.

G. Contact:

1. SFSD employees or others with questions regarding this policy shall be referred to Sheriff's Legal Counsel, Monday thru Friday 0800 to 1700 hours:
 - a. Chief Legal Counsel Mark Nicco
415-554-7212
 - b. Assistant Chief Legal Counsel Suzy Loftus
415-554-7295
 - c. Or after hours at the Central Warrant Bureau – emergency notification line to reach Sheriff's Legal Counsel 415-558-2411.

III. Forms:

SFSD Form "Information Regarding ICE Requests for Notification of Release, Initial Statement"

SFSD Form "Information Regarding ICE Requests for Notification of Release, Designation of Persons to Receive ICE Request Information"

SFSD Form "Information Regarding ICE Requests for Notification of Release, Determination to Notify"

IV. Reference:

"The Miranda-Olivares v. Clackamas County decision (Case No. 3:12-cv-02317-ST), a 2014 Federal decision, established that holding a person in custody based solely upon an ICE immigration detainer request may violate the individual's constitutional rights, and the involved local/state agency can be held liable for this violation of constitutional rights.

"ICE Guidance for Completing FORM I-247A

San Francisco Administrative Code 12I.3(d.)

(8 U.S.C. 1373.)

SFSD Criminal Warrants Memo (Reference: 2016-037, dated March 11, 2016)



San Francisco Sheriff's Department
Information Regarding ICE Request for Notification of Release
Initial Statement

- ☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- ☐ 請寄來中文表格。 / I request to receive this form in Chinese.
- ☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____ Name: _____ DOB: _____

A# _____ Housing Location: _____ SF#: _____

Current charge(s): _____

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with the attached copy of the ICE request and inform you of whether we intend to comply with the request. ICE requests that SFSD notify them prior to your release and that SFSD maintain custody of you for up to 48 hours after your scheduled release to allow ICE to take you into their custody.

The San Francisco Sheriff's Department does not intend to comply at this time. However, based on San Francisco Administrative Code 12H and 12I, if you are held to answer on a qualifying felony, a review of your criminal history will be conducted to determine if you qualify for possible notification based on local law.

If your background, current charges and history of convictions and other information conforms to San Francisco Administrative Code 12I and SFSD decides to notify ICE of your release, we will notify you and your attorney or another person that you choose. Please provide the contact information, including phone number and / or email, for your attorney or another person that you choose on the provide SFSD Form 17-02, "Designation of Persons to Receive ICE Information Requests".

Please contact Prisoner Legal Services or your attorney if you have any questions or concerns.

Public Defender Phone: 415-553-1671

Prisoner Legal Services Phone: 415-558-2472

NOTE: A copy of the list of non-profit legal service providers for the San Francisco Immigration Court is also included with the notice. Please consider reaching out to one of the listed Immigration Rights Advocates since you have been informed that you are the subject of ICE proceedings. If you return to the San Francisco County Jail for future charges, ICE may continue to request a notification. If you are re-incarcerated elsewhere, that jurisdiction may elect to notify ICE of your impending release.

For SFSD Use Only:

Delivered By: _____ Title: _____ Date: _____ Time: _____

Copies to: SFSD Records

Public Defender/Attorney of Record

Prisoner Legal Services



San Francisco Sheriff's Department
Information Regarding ICE Request for Notification of Release
Designation of Persons to Receive ICE Request Information

- ☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- ☐ 請寄夾中文表格。 / I request to receive this form in Chinese.
- ☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____ Name: _____ DOB: _____

A#: _____ Housing Location: _____ SF#: _____

Current charge(s): _____

Please complete the following information regarding the person you would like notified regarding any ICE Requests for Notification: (Select one)

Attorney

Other Designee (if applicable)

Name: _____

Name: _____

Address: _____

Address: _____

Email: _____

Email: _____

Phone: _____

Phone: _____

The above selected individuals are to be notified with copies of any documents received from ICE that request notification of my release. In the event the San Francisco Sheriff's Department elects to notify ICE pursuant to the San Francisco Administrative Code 12I, these persons will also be provided with that information at the earliest opportunity.

Inmate Signature: _____ Date: _____

SFSD Use Only:

- ☐ I was able to see the above named inmate and complete this form. I subsequently forwarded a copy of this form, Form 17-1 and the request from ICE to the name individual(s)
- ☐ I was not able to see the above named inmate due to his/her release from custody via _____
- ☐ The person was contacted and did not want to complete this form
- ☐ Other _____

Processed by: _____ Unit: _____ Title: _____

Date: _____ Time: _____

Copies to: SFSD Records

Public Defender/Attorney of Record

Prisoner Legal Services

San Francisco Sheriff's Department
Information Regarding ICE Request for Notification of Release
Determination to Notify

- ☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- ☐ 請寄來中文表格。 / I request to receive this form in Chinese.
- ☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____ Name: _____ DOB: _____

A#: _____ SF#: _____ Housing Location: _____

Date of Original Notice 17-01 _____

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to notify you and your attorney or another person that you choose in writing if we inform Immigration and Customs Enforcement (ICE) of your release.

The San Francisco Sheriff's Department makes such notifications only if you meet the criteria as listed in San Francisco Administrative Code section 12I.

☒ It has been determined that you meet the criteria for Notification of Release.

The purpose of this letter is to inform you that on _____ at _____, we
Date of Notice to ICE Time of Notice to ICE

notified ICE that you are scheduled to be released on _____ at _____.
Date of Scheduled Release Time of Release

We will also provide this information to your attorney/designee of record as noted below:

Attorney/Designee Name and Contact Information: (as provided on SFSD Form 17-02)

Name: _____ Contact Info: _____

Date Contacted: _____ Contacted by: _____

Please contact the Sheriff's Department Prisoner Legal Services at 415-558-2472 if you have any questions or concerns.

~~~~~  
**SFSD USE ONLY:**

☐ I provided a copy of this form to the above named inmate on: Date \_\_\_\_\_ Time: \_\_\_\_\_

☐ I was not able to see the above named inmate due to his/her release from custody via \_\_\_\_\_

☐ Other: \_\_\_\_\_

☐

Processed by: \_\_\_\_\_ Unit: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copies to: SFSD Records, Attorney of Record, Prisoner Legal Services



## PROCESSING ICE REQUESTS

This training bulletin is being distributed to clarify the Sheriff's obligation regarding ICE notification requests. The SFSD does not honor immigration detainer requests from ICE. SFSD reviews immigration notification requests pursuant to San Francisco Administrative Code 12I, which limits notifications to ICE only if individuals meet specific criteria. These requests are not criminal warrants; they are administrative in nature and never to be confused with a criminal warrant. The Sheriff will continue to book criminal ICE warrants signed by a Federal magistrate. SFSD Policy & Procedure 02-39 does not prohibit or restrict staff "from sending to, or receiving from, [DHS/ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual." (8 U.S.C. 1373)

Starting December 11, 2017, the responsibility for processing all administrative ICE requests will be transferred from Administration to the Central Records Unit. These requests will continue to be evaluated and processed according to San Francisco Administrative Code Section 12I.3 "Restrictions on Law Enforcement Officials."

Pursuant to state law, any individual for whom ICE has requested notification, whether or not the notification is honored, must be notified of the request. Prisoner Legal Services will notify the individual of the request and provide them with information about social and legal services available for undocumented immigrants. The Public Defender's office/attorney of record will also be informed of the notification request.

### San Francisco Administrative Code Section 12I.3 Simplified

*12I.3 allows the Sheriff to respond to an ICE Request for voluntary notification (ICE Form 247A) of the release of an individual from custody, after a review of the individual's criminal record shows the following circumstances:*

1. *A conviction of a violent felony, as defined in PC Section 667.5(C), within the last seven years;*

*Or*

*A conviction of one of a list of certain serious felonies defined in PC 1192.7(c) within five years;*

*Or*

*Has been Convicted of three felonies identified in Penal Code sections 1192.7(c) or 667.5(c), or Government Code sections 7282.5(a)(2) or 7282.5(a)(3), other than domestic violence, arising out of three separate incidents in the five years immediately prior to the date of the notification request;*

**AND**

2. *A magistrate has determined that there is probable cause to believe the individual is guilty of a violent or serious local felony and has ordered the individual held to answer to the same pursuant to PC section 872.*

*If the above criteria are present, they will trigger the following evaluation:*

- *The Sheriff shall review the individual's background to consider evidence of the individual's rehabilitation and evaluate whether or not the individual poses a public safety risk. Evidence of rehabilitation or other mitigating factors includes but is not limited to: the individual's ties to the community; whether the individual is a victim of crime; the individual's contribution to the community; and, the individual's participation in social services or rehabilitation programs.*

If you have any questions, please contact Sheriff's Legal Counsel.

**NEVER SACRIFICE SAFETY FOR CONVENIENCE!**

**SAN FRANCISCO SHERIFF'S DEPARTMENT**

**VICKI HENNESSY, SHERIFF**




# San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

March 11, 2016  
Reference: 2016-037

To: All Personnel

From: Sheriff Vicki L. Hennessy 

Re: SFSD Central Warrant Bureau Confirmation of Warrants in the Criminal Data Base – General ICE Warrants – Criminal and Civil in the Criminal Justice Data Base – Specific

San Francisco Sheriff's Central Warrant Bureau is responsible for verifying criminal and traffic warrants from all local, state, and federal law enforcement agencies. When we receive a request from a law enforcement officer on a specific subject, we either confirm or do not confirm the warrant for booking. The warrant clerk is always required to contact the issuing agency and ask for additional information to make sure the officer has the right person. Once a criminal warrant is confirmed for booking it is up to the arresting agency to book the individual on the warrant at the county jail. The SFSD clerk confirming the warrant does not have the authority to tell the officer to either book or not book.

## Immigration and Custom Enforcement (ICE) Warrants

It has recently come to my attention that the majority of warrants from ICE entered into the Criminal Justice Data Base are **not** actually criminal warrants. Most appear in the system with no charges attached to the warrant and say "deported criminal", "aggravated felon" or "failure to appear for removal". These are, in effect, **"administrative" warrants** and are another method of requesting a civil detainer of the subject, which is not allowed by the San Francisco Due Process for All Ordinance. There are also some **"criminal" warrants** which are to be confirmed for booking according to established procedure.

Therefore, when asked to query the criminal justice data base to confirm an ICE warrant, CWB will follow these guidelines:

1. Contact the ICE confirmation phone number per procedure to make the usual inquiries.
2. Confirm the warrant as either **criminal** or **administrative**.
  - a. If the warrant returns as a **criminal warrant**, follow established procedure for criminal warrant confirmations.



- b. If the warrant comes back as a **civil or administrative warrant**, inform the requesting party that while it is confirmed, it is a civil warrant and will not be accepted for booking at the San Francisco County Jail.
  - i. CWB staff will not print any relevant information. CWB will print out the NCIC hit and immediately copy the clerk's log sheet into an ICE file.
  - ii. The information will be scanned into an ICE folder and maintained on the shared drive.
- 3. Booking staff at County Jail #1 presented with a **civil or administrative ICE** warrant for booking from any agency, will refuse the arrest and document such refusal. **This does not apply to criminal ICE warrants that have been confirmed.**

I have attached examples of both a criminal ICE warrant and two civil/administrative ICE warrants to assist you in the determination.

If there are any discrepancies or questions not covered by this directive, please contact Sheriff's Legal through the Central Warrant Bureau emergency notification process at: (415) 558-2411.

Thank you for your attention to this matter.

**SAMPLE RESPONSE FROM NCIC INQUIRY: ADMINISTRATIVE (CIVIL)  
WARRANTS**

**Administrative Warrant of Removal:**

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN  
OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL FROM THE UNITED STATES,  
CONTACT LESC  
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF  
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL  
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101  
HGT/510 WGT/180 EYE/BRO HAIR/BRO CTZ/FN SEX/DEK  
SMI/SC LP ARM  
SOC/777010000  
OFF/ALIEN UNLAWFULLY PRESENT DUE TO ORDER OF REMOVAL OR EXCLUSION FROM  
THE USA  
OCA/ASD1234-T MIS/UNKNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT  
SUPPORT CENTER  
(877) 999-5372  
NIC/N307770847 DTB/19580605 0000 EST DLU/20090101 0600 EST  
\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR  
CRIMINAL JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

**Administrative Warrant of Arrest:**

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN  
OUTSTANDING ADMINISTRATIVE WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS  
FOR FAILURE TO COMPLY WITH NATIONAL SECURITY REGISTRATION. CONTACT LESC  
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF  
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - NATIONAL SECURITY REGISTRATION  
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101  
HGT/510 WGT/180 EYE/BRO HAIR/BRO CTZ/FN SEX/DEK  
SMI/SC LP ARM  
SOC/777010000  
OFF/BOUGHT FOR VIOLATION OF NATIONAL SECURITY REGISTRATION  
OCA/ASD1234-T MIS/UNKNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT  
SUPPORT CENTER (877) 999-5372  
NIC/N307770847 DTB/19580605 0000 EST DLU/20090101 0600 EST  
\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR  
CRIMINAL JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

**SAMPLE RESPONSE FROM NCIC INQUIRY: CRIMINAL ICE WARRANT**

**One Example of a Criminal Warrant**

\*\*\*MESSAGE KEY ZW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF  
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE  
EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS  
FILES ARE SEARCHED WITHOUT LIMITATIONS.  
MKE/WANTED PERSON  
EXL/1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD  
ORI/VTICE0900 NAM/TEST, TEST SEX/M PAC/W POB/EY  
DOB/19000101 HGT/509 WGT/175 EYE/BRO HAI/BLK  
SKN/LGT  
MNU/PP-1234567 SOC/123456789  
OFF/FRAUD - FALSE STATEMENT  
DOH/20090114 OCA/2-M-TEST  
VLD/20120411  
MIS/CRIMINAL WARRANT IN VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE  
STATEMENT  
MIS/ON A PASSPORT APPLICATION, ISSUED BY THE U S DISTRICT COURT, EASTERN  
MIS/DISTRICT OF VIRGINIA  
DNA/N  
ORI IS ICE LESC 802 872-6020  
DOB/19730515  
AKA/TESTER, TEST  
AKA/ALPHA, BET  
MNU/PP-5678943  
SOC/9854321  
NIC/W123456789 DTE/20090115 1510 EST DLU/20120411 1301 EST  
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Again, members shall continue to act upon criminal warrants entered by ICE into NCIC  
pursuant to relevant directives (e.g., G.O. 302.06, WALES).



# San Francisco Sheriff's Department

## INTER-OFFICE CORRESPONDENCE

March 14, 2018  
COD-18-011

To: COD Supervisors

Fr: Chief Deputy P. Miyamoto #1410

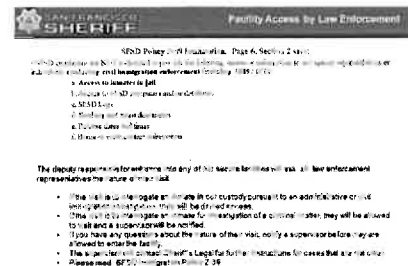
Re: **DIVISION UPDATES**

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### **Operation Issues**

#### **Facility Access by Law Enforcement**

In 2013, San Francisco passed the "Due Process for All" Ordinance. This ordinance limits when City law enforcement officers may give ICE advance notice of a person's release from local jail. It also prohibits cooperation with ICE detainer requests, or "ICE holds." The Sheriff issued further guidance on this with revised Department Policy 02-39. The slide shown is a summary of the area of the policy specific to jail operations. Please continue to review at muster via e-muster and leave on the board for the next week (at minimum). In addition, **ALL** facilities are to place at the deputy desk/work station for Deputies to reference during the course and scope of their public lobby duties. Make sure that you and your staff are clear on the following:



The deputy responsible for entrance into any of our secure facilities will ask all law enforcement representatives the nature of their visit.

- If the visit is to interrogate an inmate in our custody pursuant to an administrative or civil immigration investigation, they will be denied access.
- If the visit is to interrogate an inmate for investigation of a criminal matter, they will be allowed to visit and a supervisor will be notified.
- If you have any questions about the nature of their visit, notify a supervisor before they are allowed to enter the facility.
- The supervisor will contact Sheriff's Legal for further instructions for cases that are not clear.

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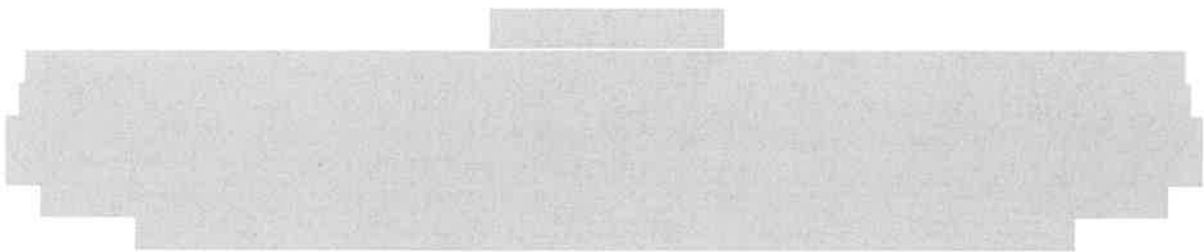
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# SAN FRANCISCO SHERIFF'S DEPARTMENT



## CENTRAL RECORDS UNIT

Policy / Procedure #

Date Issued / Revised:

11/28/2017

Approved by:

LT. SANGROTTI

Section:

Post Procedures

Chapter:

SUBJECT:

Processing ICE Requests

**PURPOSE:** To identify clear guidelines for processing Department of Homeland Security (DHS)/ U.S. Immigration and Customs Enforcement (ICE) Request for Voluntary Notification/ Transfer forms and to assist staff in identifying individuals who meet the local legal requirements for possible notification to the Sheriff for evaluation.

**PROCEDURE:** Whenever an ICE request is received the Central Records Unit (CRU) staff shall be responsible for making the proper notifications to Sheriff's Department staff and updating the Jail Management System (JMS) when a person who has a request meets the specified criteria set forth in San Francisco Administrative Code Section 12I.

### I. GENERAL DUTIES:

#### A. Receiving Notifications

##### 1. When a request is received CRU staff will:

- Locate the inmate in JMS.
- Scan a copy of the request into the "Booking Documents" in JMS.
- Attach a copy of the request to the back of the inmate's card or place it in the inmate's jacket.
- Stamp the front of the booking card and jacket using the "FR" (Federal Request) stamp.

▪ Note: If the inmate is housed at CJ#1:

- Fax a copy of the request to CJ#1.
- Confirm receipt of the fax.
- Advise the CJ#1 staff to attach the copy of the request to the back of the booking card and stamp the front of the booking card using the "FR" stamp.

## Processing ICE Requests

- e. Add a "FR" alert to the inmates Global Subject jacket (if applicable).
- f. Give a copy of the request to a CRU supervisor.
  - Supervisors will log all request (in or out of custody) in the ICE Request Statistics Log.

### B. Review

1. CRU staff will be responsible for taking the proper action when the following exists:
  - a. Inmate has Federal Request
  - b. Inmate has current, pending charge for
    - violent felony pursuant to California Penal Code 667.5(c)
    - serious felony pursuant to California Penal Code 1192.7(c)
    - or any felony enumerated in Government Code Section 7282.5(a)(2) or (a)(3) (except Domestic Violence)

(Note: If b. exists highlight the "FR" on the booking card and jacket.)

- c. Inmate is HTA for a charge that meets the criteria in b.

**Note:** CJ#1 will only stamp "FR" on the booking card of inmates that have a "FR" alert and have been booked for a local warrant. In the event CRU staff receive a booking card from CJ#1 that has already been stamped "FR", staff will notify a supervisor who will begin the review by completing the following procedure:

1. Locate the case docket number for the local warrant
2. Check the QCX screen in CMS for the case
3. Review the charges and determine if any one of the charges meets the criteria mention in this section.
4. If a charge meets the criteria highlight the "FR" on the booking card and jacket, and check the QCA screen in CMS for the case to see if the inmate has been HTA.

### C. Actions

1. If an inmate meets all of the criteria listed in B.1. CRU staff will:
  - a. Note in JMS and on the Federal Request Log sheet the inmate has been HTA.
  - b. Complete the following criminal history check:
    - Check CII, FBI, and Local RAP Sheet for a conviction of
      - i. a violent felony pursuant to California Penal Code 667.5(c) within the past 7 years
      - ii. a serious felony pursuant to California Penal Code 1192.7(c) within the past 5 years

## Processing ICE Requests

- iii. or any three violent, serious or enumerated felonies listed in Government Code Section 7282.5(a)(2) or (a)(3) (except Domestic Violence) within the past 5 years from the date of the civil immigration detainer
- c. If the inmate meets the criteria in c. forward all supporting documents to the Sheriff for review.
- 2. If an inmate **does not** meet the criteria listed in B.1. or C.1. CRU will discontinue the review.

### D. Criminal Warrants

- 1. When a criminal warrant is received from ICE CRU staff will:
  - a. Scan a copy of the warrant abstract into the "Booking Documents" in JMS if necessary.
  - b. Attach a copy of the abstract to the back of the inmate's card.
  - c. Give the booking card (and jacket if applicable), and a copy of the abstract to a CRU supervisor.
  - d. The CRU supervisor will consult with Sheriff's Legal Counsel to determine if the warrant should be booked.

E. Upon approval from the Sheriff, the warrant shall be booked as per procedure.

### F. Notifications/ Tracking

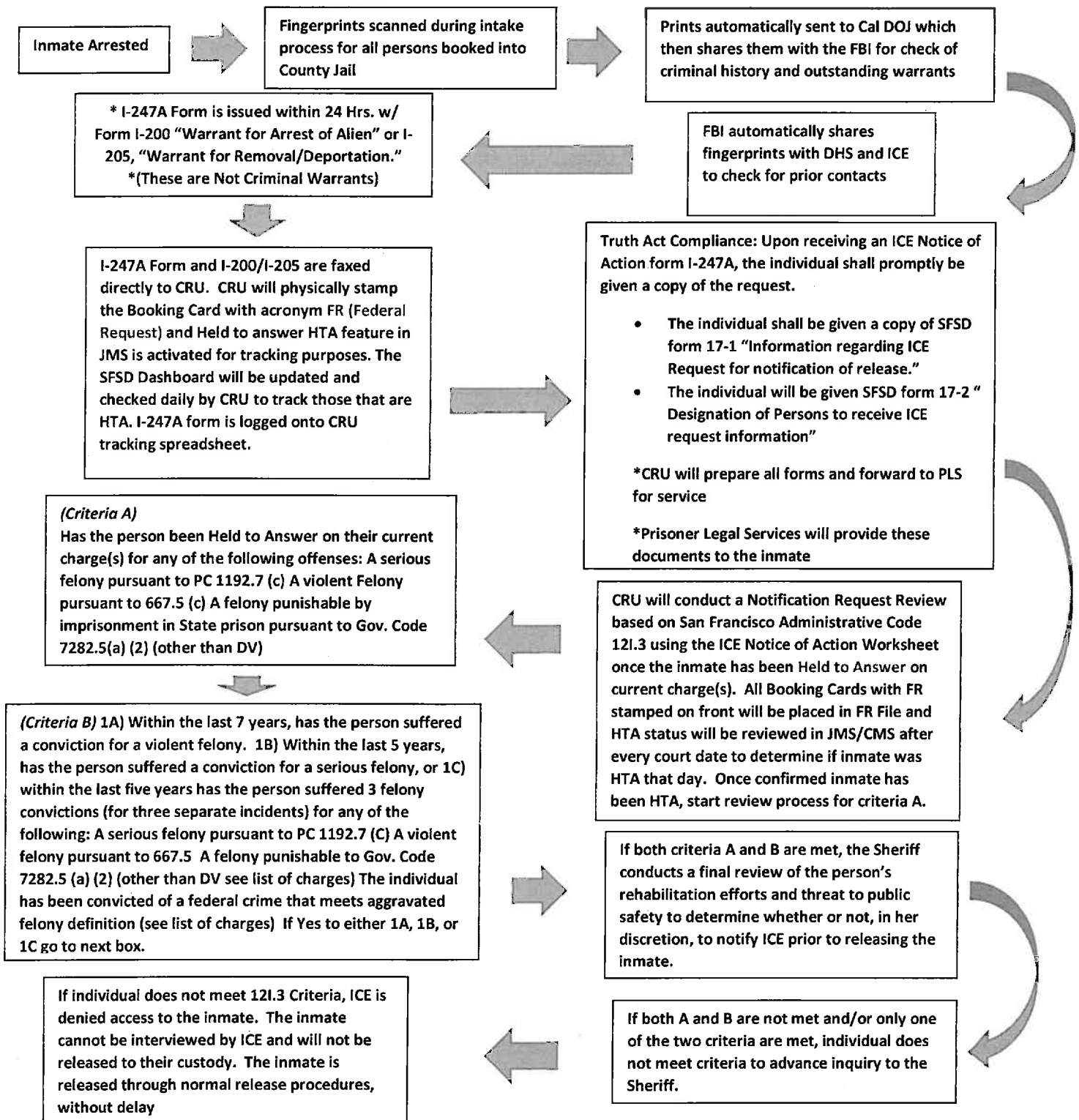
- 1. CRU supervisors are responsible for:
  - a. Notifying the appropriate staff as determined by the Sheriff immediately upon receipt of the I-247A form.
  - b. Note in JMS the I-247A form has been received as per established procedures.
  - c. Log the receipt of the request into the designated excel spreadsheet.
  - d. Give a copy of the request to the Unit Manager.
  - e. Prepare and email the SFSD Form **17-01** "Information Regarding ICE Request for Notification of Release: **Initial Statement**" and Form **17-02** "Information Regarding ICE Request for Notification of Release: **Designation of Persons to Receive ICE Request Information**" to Prisoner Legal Services.
- 2. Prisoner Legal Services will:
  - a. Serve the inmate with SFSD Form **17-01** "Information Regarding ICE Request for Notification of Release: **Initial Statement**" and Form **17-02** "Information Regarding ICE Request for Notification of Release: **Designation of Persons to Receive ICE Request Information**".
  - b. Email the complete 17-01 and 17-02 to CRU.

### Processing ICE Requests

- CRU will scan the 17-01 and 17-02 forms into the inmate's booking documents in JMS, and place the physical copies in the inmate's jacket.
3. If the Sheriff decides to honor a notification CRU staff will notify the Department of Homeland Security no later than 72 hrs. prior to releasing the inmate.



## ICE NOTICE OF ACTION PROCESS SAN FRANCISCO SHERIFF'S DEPARTMENT



- Sheriff staff members who are tasked with confirming warrants will continue to process ICE warrants for booking that are confirmed as criminal warrants per memo (Reference: 2016-037, dated March 11, 2016.) If there is such a booking, Sheriff's Legal will be notified immediately. Form I-247 accompanied with forms I-200 and/or I-205 are not criminal warrants